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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/816,873 | 03/22/2001 | Hideki Sogabe | 5664-00200/EBM | 6063 |

7590

11/02/2004

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EXAMINER

WINDER, PATRICE L

ART UNIT

PAPER NUMBER

2145

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/816,873

Applicant(s)

SOGABE ET AL.

Examiner

Patrice Winder

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-29 and 31-40 is/are rejected.
- 7) ☒ Claim(s) 2-4 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The substitute specification filed July 12, 2004 has been entered.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code 102 not included in this action can be found in a prior Office action.
3. Claims 1, 6-8, 10-11, 13-15, 17, 19, 21-28 and 31-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Mages et al., USPN 6,463,467 B1 (hereafter referred to as Mages).
4. Regarding claim 1, Mages taught a service system (abstract) comprising:
 - a digital versatile disc having a first file which stores video and audio information and a second file which stores playback control information for the information in the first file, the information being normally unable to be played back from said digital versatile disc (column 6, lines 48-54, 58-62, column 7, lines 2-8);
 - a terminal connected to a network and adapted to receive said digital versatile disc (column 6, lines 20-25); and
 - a server arranged in the network and having repair information which can repair the information in said digital versatile disc (column 6, lines 18-20), said server returning the repair information to said terminal (column 6, lines 30-32) and causing said terminal to playback the information from said digital versatile disc upon receiving a playback

request for the information in said digital versatile disc from said terminal when said terminal uses said digital versatile disc (column 6, lines 32-38).

5. Regarding claim 6, Mages taught a learning system (abstract) comprising:
a digital versatile disc having a first file which stores video and audio information, and a second file which stores playback control information for the first file, wherein the said digital versatile disc is incomplete, requiring repair for playback (column 6, lines 48-54, 58-62, column 7, lines 2-8);

a terminal connected to a network and adapted to receive and playback information in said digital versatile disc (column 6, lines 20-25); and

a server arranged in the network and having a memory comprising repair information for said digital versatile disc (column 6, lines 18-20, column 7, lines 20-22).

6. Regarding dependent claim 7, Mages taught the terminal is a personal computer that allows access to the Internet (column 7, lines 57-60).

7. Regarding dependent claim 8, Mages taught the terminal comprises a playback assistant for repairing the information in said digital versatile disc in accordance with repair information (column 7, line 66-column 8, line 2).

8. Regarding dependent claim 10, Mages taught the memory of the server is further configured to store page contents of a subject (column 7, lines 10-12).

9. Regarding dependent claim 11, Mages the server is used by or integrated with a number of other servers (column 7, lines 5-8, 14-17).

10. Regarding claim 13, Mages taught a learning method (abstract) comprising:

providing a digital versatile disc having a first file which store video and audio information and a second file which store playback control information for the information in the first file, wherein the information on the said digital versatile disc is incomplete, repair for playback (column 6, lines 48-54, 58-62, column 7, lines 2-8);

placing the said digital versatile disc into a terminal coupled through a network to a server (column 6, lines 20-25), wherein the server comprises a memory in which repair information and playback control instruction for said digital versatile disc are registered (column 6, lines 18-20); and

transmitting repair information from the server to the terminal, wherein the terminal allows playback of the information in said digital versatile disc (column 6, lines 30-38).

11. Regarding dependent claim 14, Mages taught the terminal is configured to received and playback information in the said digital versatile disc (column 8, lines 12-22).

12. Regarding dependent claim 15, Mages taught the terminal comprises a playback assistant for repairing the information in said digital versatile disc in accordance with the repair information (column 7, line 66-column 8, line 2).

13. Regarding dependent claim 17, Mages taught the memory of the server is further configured to store page contents of a subject (column 7, lines 10-12).

14. Regarding dependent claim 19, Mages the server is used by or integrated with a number of other servers (column 7, lines 5-8, 14-17).

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15. Regarding dependent claim 21, Mages taught at least a portion of the first file of the digital versatile disc is incomplete (column 7, lines 33-38), and wherein the repair information returned to the terminal from the server comprises the missing portion of the first file of the digital versatile disc (column 7, lines 38-51).

16. Regarding dependent claim 22, Mages taught at least a portion of the second file is absent from the digital versatile disk (column 8, lines 62-67), and wherein the repair information returned to the terminal from the server comprises the missing information for the second file of the digital versatile disc (column 9, lines 6-14).

17. Regarding dependent claim 23, Mages taught the second file is corrupted on the digital versatile disk by having a file size of zero, and wherein the repair information returned to the terminal from the server comprises information to repair the file size of the second file of the digital versatile disc (column 8, lines 35-37).

18. Regarding dependent claim 24, Mages taught the second file on the digital versatile disk has an incorrect physical layout, and wherein the repair information returned to the terminal from the server comprises information to repair the physical layout of the second file of the digital versatile disc (column 8, lines 37-40).

19. Regarding dependent claim 25, Mages taught the first file and/or the second file on the digital versatile disk is placed in an incorrect directory, and wherein the repair information returned to the terminal from the server comprises information to restore the first and/or second files to the proper directories of the digital versatile disc (column 9, lines 35-37).

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20. Regarding dependent claim 26, Mages taught the first file and/or the second file on the digital versatile disk have an incorrect file name, and wherein the repair information returned to the terminal from the server comprises information to correct the file name of the first and/or second files of the digital versatile disc (column 9, lines 37-40).

21. Regarding dependent claim 27, Mages taught the file system information of the digital versatile disc is at least partially missing (column 7, lines 33-38), and wherein the repair information returned to the terminal from the server comprises the file system information missing from the digital versatile disc (column 7, lines 38-51).

22. Regarding dependent claim 28, Mages taught at least a portion of the first file and/or the second file of the digital versatile disc is configured non-functionally (column 7, lines 33-38), and wherein the repair information returned to the terminal from the server reconfigures the first file and/or the second file of the digital versatile disc so that the first file and/or the second file is configured functionally (column 7, lines 38-51).

23. The language of claims 32-39 is substantially the same as previously rejected claims 21-28, above. Therefore, claims 32-39 are rejected on the same rationale as previously rejected claims 21-28, above.

24. Regarding claim 31, Mages taught a service system (abstract) comprising:
a digital versatile disc having a first file which stores video and audio information, wherein the information is normally unable to be played back from said versatile disc (column 6, lines 48-54);

a terminal connected to a network and adapted to receive said digital versatile disc (column 6, lines 20-25); and

a server arranged in the network and having repair information comprising a second file which stores playback control information for the information in the first file of the digital versatile disc (column 6, lines 18-20, 30-32), wherein the server is configured to send the repair information from the server enables the information of the first file to be played back from the digital versatile disc (column 6, lines 32-38).

Claim Rejections - 35 USC § 103

25. The text of those sections of Title 35, U.S. Code 103 not included in this action can be found in a prior Office action.

26. Claims 9, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mages in view of Parker et al., USPN 5,909,589 (hereafter referred to as Parker).

27. Regarding dependent claim 9 and 16, Mages does not specifically teach the server is configured with a database comprising registration information of student identification and subject progress. However, Parker taught a server is configured with a database comprising registration information of student identification and subject progress (column 9, lines 31-34, column 10, lines 7-9). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Parker's tracking progression in Mages' system for controlling Local media playback would have improved system effectiveness. The motivation would have been to further insure the integrity of a student using the Local media playback.

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28. Regarding dependent claim 18, Mages taught the page contents of a subject is transmitted from the memory to the terminal to be displayed (column 7, lines 38-45).

29. Claims 5, 12, 20, 29 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mages in view of Mages et al., USPN 6,035,329 (hereafter referred to as Mages_2)

30. Regarding dependent claim 5, Mages does not specifically teach charging means for charging for use said digital versatile disc. However, Mages_2 taught charging means for charging for use of a digital versatile disc (column 5, lines 8-20). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Mages_2's charging in Mages' system for playback would have improved system effectiveness. The motivation would have been to provide a mechanism for handling pay-per-view discs.

31. Regarding dependent claim 12 and 20, Mages does not specifically teach a charging method is employed for use of said digital versatile disc. However, Mages_2 taught a charging method is employed for use of a digital versatile disc (column 5, lines 8-20). For motivation for combination see claim 5, above.

32. Regarding dependent claims 29 and 40, Mages taught all video images in the digital versatile disc are played back in accordance with repair information from the server side (column 7, lines 14-22). Mages does not specifically teach the first and second file of the digital versatile disc may be created according to a digital versatile disc standard. However, Mages_2 taught the first and second file of the digital versatile disc may be created according to a digital versatile disc standard (column 1, lines 35-

41). It would have been obvious to one of ordinary skill in the art at the time the invention was made that substituting Mages_2's DVD-ROM for Mages CD-ROM would have increased storage capacity. The motivation would have been to store media, such as movies, that need greater store capacity.

Allowable Subject Matter

33. Claims 2-4 and 30 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

34. The following is a statement of reasons for the indication of allowable subject matter: Mages-Parker fails to teach a first server transmitting page contents of said first memory designated by the progress information corresponding to the identification information of the student in said database and causing said terminal to display the contents at the time of the learning by the student, and upon receiving the playback designation information output when said terminal sends the playback request, outputting the playback designation information to said second server and causing said second server to transmit, to said terminal, the repair information corresponding to the playback designation information and the playback control information for said digital versatile disc in said second memory, thereby allowing said terminal to playback the information in said digital versatile disc as argued by applicant on page 16 of the response filed on July 12, 2004.

Response to Arguments

35. Applicant's arguments filed July 12, 2004 have been fully considered but they are not persuasive.

36. Applicant argue - "... Mages appears to teach digitized video and/or audio files that are stored on a CD-ROM in a crippled fashion, but not teach the feature of a second file that controls playback information for the information in the first file."

a. Mages taught software on the CD-ROM for linking to the host computer that has the necessary key and trigger for uncrippling the video/audio files (column 7, lines 38-51). Playback cannot be invoked before the key and trigger are received (column 8, lines 12-18).

37. Applicant argue - "Mages does not appear to teach or suggest a digital versatile disc that stores digital and audio information in a first file, and play control information in a second file."

b. Mages taught storing audio/video files on a CD-ROM (column 7, lines 33-36). Mages also software, composed of files, that retrieve and utilizes play control information being in a second file (column 8, lines 33-37).

38. Applicant argues - "Applicant asserts that Mages fails to teach or suggest the acquisition of a second playback control means by the terminal. Rather, Mages that a CD-ROM contains a code representing the URL web page of the host computer where the necessary decripping key is located and that the CD-ROM will automatically up and connect to the end-user's computer to the host computer."

c. Mages taught acquisition of a second playback control means that is more than a decippling key, i.e. a decippling trigger, that is stored at the user's end-computer to enable further access to the video/audio files stored on the CD-ROM (column 9, lines 1-26)

Conclusion


39. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

40. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is 571-272-3935. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 571-272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Patrice Winder
Primary Examiner
Art Unit 2145

October 29, 2004